



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 19 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bob Kujawinski
Cleveland Corporation
42810 North Green Bay Road
Zion, Illinois 60099

Re: Finding of Violation
Cleveland Corporation

Dear Mr. Kujawinski:

This is to advise you that the U. S. Environmental Protection Agency has determined that Cleveland Corporation's facility at 42810 North Green Bay Road, Zion, Illinois (Cleveland Corp. or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to:

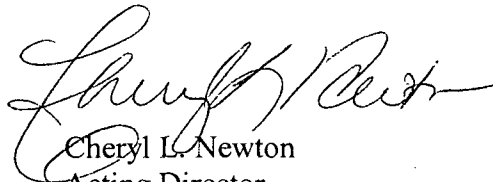
- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) Maintain the signed statements on-site for a minimum of three years.

EPA finds that Cleveland Corp. has violated the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Natalie Topinka. You may call her at (312) 886-3853 if you wish to request a conference. EPA hopes that this FOV will encourage Cleveland Corp's compliance with the requirements of the CAA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Bureau of Air
Illinois Environmental Protection Agency

Harish Narayen, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Cleveland Corporation)	FINDING OF VIOLATION
Zion, Illinois)	
)	
Proceedings Pursuant to)	EPA-5-09-IL-02
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

FINDING OF VIOLATION

Cleveland Corporation (Cleveland Corp. or you) owns and operates a scrap recycling facility at 42810 North Green Bay Road, Zion, Illinois (the facility).

The U. S. Environmental Protection Agency is sending this Finding of Violation to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F.

Explanation of Violations

1. Cleveland Corp., as the final disposer of appliances, is subject to a portion of the regulations for the Protection of Stratospheric Ozone located in 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained, that

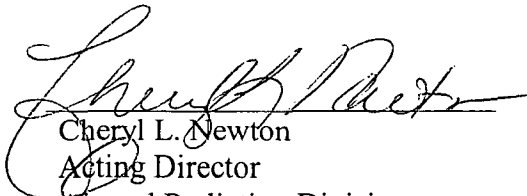
all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).

- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. During EPA's July 15, 2008, inspection, EPA was informed that Cleveland Corp. accepts refrigerant-containing appliances for recycling.
 3. At the time of the inspection, EPA was informed that Cleveland Corp. does not recover refrigerant from appliances that are brought to the facility.
 4. At the time of the inspection, EPA was informed that Cleveland Corp. does not require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to Cleveland Corp..

Environmental Impact of Violations

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

11/19/08
Date


Cheryl L. Newton
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-09-IL-02 by Certified Mail, Return Receipt Requested; to:

Bob Kujawinski
Cleveland Corp.
42810 North Green Bay Road
Zion, Illinois 60099


on the 20th day of November, 2008.

I also certify that I sent a copy of the Finding of Violation by first class mail to:

Ray Pilapil, Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794

and

Harish Narayan, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, IL 60016


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8920 2399